



BOARD OF BARBERING AND COSMETOLOGY  
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
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## **MEETING OF THE COMMITTEES OF THE BOARD OF BARBERING AND COSMETOLOGY**

### **MINUTES OF August 13, 2006**

#### **BOARD MEMBERS PRESENT:**

Jerry Tyler, President  
Richard Hedges, Vice President  
Angela Reddock  
Marlene Gadinis  
Jerri Ann Walters  
Frank Lloyd

#### **STAFF MEMBERS PRESENT:**

Kristy Underwood, Executive Officer  
Denise Johnson, Assistant Executive Officer  
Gary Duke, Staff Counsel  
Theresa Rister, Board Analyst

#### **BOARD MEMBERS ABSENT:**

Dr. Della Condon  
Joe Gonzalez  
Bonnie LaChappa

### **1. Agenda Item #1, CALL TO ORDER/ROLL CALL**

Mr. Tyler called the meeting to order at 9:00 a.m. The board members present introduced themselves. Mr. Duke stated in accordance with the Bagley, Keene Open Meetings Act, Board members who were not part of the committee were excused and sat in the audience as observers. Ms. Underwood introduced staff present at the meeting. She also introduced Kim Madsen, new Enforcement Manager. Mrs. Madsen brings a lot of enforcement experience to the board.

### **2. Agenda Item #2, LEGISLATION AND BUDGET COMMITTEE**

#### **a) Call to Order/Roll Call:**

Members include Jerry Tyler, Richard Hedges, Marlene Gadinis and Angela Reddock. Mr. Duke requested to add election of chair or officers to the Committee agenda to be consistent with all other noticed agenda items for the Boards other committee's. Mr. Hedges nominated Jerry Tyler for chair of the committee. Mr. Tyler accepted the

nomination. Ms. Reddock seconded the motion, and it was voted 3-0 to appoint Jerry Tyler as chair of the Legislation and Budget Committee.

b) Budget Overview

Ms. Underwood provided a handout and overview of the Board's budget. The fiscal year 06/07 is July 1<sup>st</sup> to June 30<sup>th</sup>. The total budget is \$15 million-plus. She reviewed baseline budget and changes to the budget. Budget change proposals (BCPs) are required to change the budget, starting with a concept and then the BCP. The BCPs require a long process, going through the Department of Consumer Affairs, the State and Consumer Services Agency, and then to the Department of Finance. Strict specific dates are outlined. Revenue was also discussed. The Board is designated as a Special Fund Program. Primary areas of money that are received are the exam fee and the administrative fines. Money is received from fees and not the General Fund. The Board was facing a negative fund balance but should be corrected within five years by the increase in fees and fines. Mr. Tyler noted the removal of waivable fines should help the budget.

c) Review of Laws and Regulations for Updates Needed

Staff put together an analysis of laws and regulations pertinent to the committee. Regulatory updates needed include the following: Section 905 requires consumer information to be posted; staff is recommending posting consumer information related to footspa safety. Mr. Hedges noted it should be posted if people have a compromised immune system or a chronic disease they should not get a pedicure. This has been brought to the forefront due to the recent death in Santa Clara County. Section 909 requires proof of training to be submitted with the application for examination. This is not currently done and is cleanup regulation. Section 933 allows the inspection of examination papers. This section is out of date and applied when the Board did paper and pencil examinations. Section 981(b) prohibits a licensee from carrying any instrument or supplies in or on a garment or uniform, "a tool belt." Mr. Tyler noted it is more convenient to do this, but Mr. Hedges questioned the sanitary issues that may be involved. Mr. Jacobs noted that the instruments and the tool belt will still need to be cleaned and disinfected. Sections were also cited that are irrelevant and should be removed. Mr. Tyler recommended the review of laws and regulations be included as an ongoing agenda item for the committee. Mr. Hedges noted laws and regulations relevant to other committees would also be reviewed by those specific committees. Full proposals will be presented in the future. Proposed changes to regulations can be submitted at any time. Ms. Reddock would like the committee to look at proposed legislative issues as well. Mr. Hedges expressed his concern about unfunded mandates. He recommended the committee meet with legislators to let their concerns be known. He hoped this issue could go to the full board and on to the legislature. Possibly staffers could come to address the committee/board at the concept level. Ms. Underwood recommended communicating directly with the bills' author offices about their concerns of fiscal impact. Ms. Reddock recommended a "Day on the Hill" to talk with legislators.

d) Public Comment

The public present did not wish to address the Committee.

e) Agenda Items for Next Committee Meeting

Continued review of the Board regulations and if possible, for legislative items. Ms. Reddock recommended legislative issues be reviewed by the Committee before moving on to the full board in the form of a recommendation.

f) Adjournment

The next committee meeting will be held in October. There being no further business, the meeting of the Legislation and Budget Committee was adjourned.

**3. Agenda Item #3, ENFORCEMENT AND INSPECTIONS COMMITTEE**

a) Call to Order/Roll Call

Members include Dr. Della Condon, Richard Hedges, Jerri Ann Walters and Frank Lloyd. Dr. Condon was not in attendance. Mr. Hedges called the meeting to order.

b) Selection of Chair

Mr. Lloyd nominated Richard Hedges for chair of the committee. Ms. Walters seconded the motion, and it was voted 3-0 to appoint Richard Hedges as chair of the Enforcement and Inspections Committee.

c) Expert Witness Handbook Review and Approval

Ms. Johnson asked the committee to review the expert witness handbook to be forwarded to the full board for approval. The handbook would be given to expert witnesses as a training manual with specific guidelines. It is specific to the Board/Department. Mr. Hedges made the motion to forward the handbook to the full board. Ms. Walters seconded the motion and it passed by a 3-0 vote.

Public Comment

An audience member complimented the Board for the handbook.

d) Disciplinary Guidelines Review and Approval

The Disciplinary Guidelines have been updated and improved. The committee was asked to review the guidelines. Mr. Lloyd made the motion to forward the Guidelines to the full board. Ms. Walters seconded the motion and it passed by a 3-0 vote.

e) Review of Laws and Regulations for Cite and Fine

Revised language was presented to current laws and regulations. Mr. Jacobs notes that the language was recommended by the inspectors in 2001 and suggest that a meeting be held to review before bringing to the full board. Mr. Hedges recommended Mr. Jacobs form a committee of inspectors to meet with this committee and discuss the laws and regulations. It was recommended to schedule the meeting for October to coincide with the next committee and Board meetings in San Diego. Staff will investigate the time and location. The committee stated they would be willing to meet on the Saturday before the meeting. Mr. Hedges made the motion to carry this item to the next committee meeting. Mr. Lloyd seconded the motion and it was approved by a 3-0 vote.

f) Public Comment

The public present did not wish to address the Committee.

g) Agenda Items for Next Committee Meeting

Discussion to include with inspectors at the next committee meeting; review of the statistics on enforcement. Ms. Johnson noted that the new enforcement manager, Mrs. Madsen will be able to provide those statistics.

h) Adjournment

There being no further business, the meeting of the Enforcement and Inspections Committee was adjourned.

**4. Agenda Item #4, DISCIPLINARY REVIEW COMMITTEE**

a) Call to Order/Roll Call

Members include Jerry Tyler, Richard Hedges, Frank Lloyd and Marlene Gadinis. All members were present.

b) Election of Chair

Mr. Tyler nominated Mr. Lloyd as chair of the committee. Mr. Hedges seconded the motion and it was approved by a 4-0 vote. Mr. Lloyd took over the gavel.

c) Schedule of Hearings

The next hearings are scheduled in Los Angeles on September 10-11-12, and October 29-30-31. It is hoped the backlog will be cleared up with these intense meetings. Mr. Hedges recommended a meeting in San Diego in mid November. Ms. Underwood noted 210 cases are scheduled for the three days in September. Staff will review and confirm the date in November. Mr. Lloyd recommended making the October meeting only two days if things are caught up, possibly eliminating the Sunday.

d) Public Comment

Patsy Kirby, American Electrology Association: She questioned the use of a topical solution, is it considered working out your scope? It was referred to the Enforcement and Inspections Committee

Mr. Jacobs questioned some specific details about the backlog mentioning that there is over 800 appeals waiting to be heard. However, Ms. Underwood noted the cases total 474, with 394 in Southern California. The September meeting has 210 cases scheduled, all appellants have been notified.

e) Adjournment

No items were suggested for the next meeting. Ms. Underwood noted a short meeting could be scheduled in October, prior to the Board meeting, to review statistics, backlog, etc. There being no further business, the Discipline Review Committee was adjourned.

## **5. Agenda Item #5, EXAMINATION AND LICENSING COMMITTEE**

a) Call to Order/Roll Call

The Examination and Licensing Committee includes Jerry Tyler, Richard Hedges, Marlene Gadinis and Frank Lloyd. Mr. Tyler called the meeting to order. All members were present.

b) Election of Chair

Mr. Tyler nominated Marlene Gadinis to be the chair. Mr. Hedges seconded the motion and it was approved by a 4-0 vote. Ms. Gadinis took over the gavel.

c) Discussion on the National Exam Review

Mr. Lloyd asked for clarification of the issues brought up by the OER (Office of Exam Resources). Ms. Underwood indicated the item in the members' packet explained what the board would have to do to move forward with a national exam. The items include a memo from OER that explains the steps that need to be followed. All steps must be in accordance with the DCA Examination Validation Policy. The OER would have to perform an audit of each of the 5 national exams. The audits cost \$10-\$15,000 each. National Interstate Council (NIC) could be asked to help pay for the audits, but the legality of this will have to be examined. Mr. Tyler asked if the work from the previous research (10 years ago) could be used. Ms. Underwood stated she would not feel comfortable using it, if it does exist. The committee consensus was to proceed with the national exam review process. Ms. Gadinis asked what the board could do proactively to encourage OER to proceed with this. Ms. Gadinis asked if an analysis could be done to compare the potential cost savings with the audit costs. Ms. Underwood stated it could be presented to the committee by the October meeting. Mr. Hedges expressed concern if the National Interstate Council can handle doubling their workload if California is included.

Public Comment:

Patsy Kirby, American Electrology Association: Noted the American Electrology Association has an exam that is used by 13 states. It is a written exam and rewritten every five years from experts and the standards are set very high. They charge \$60 which is their cost. However, they spent \$70,000 to put the exam together.

d) Discussion on New License Types

Mr. Tyler noted licensees are often required to learn things which are not the focus of their day-to-day practice. He proposed implementing a hair stylist license, as is available in some states, which could include a cross-over course to have a full cosmetology license. Ms. Gadinis has noticed a dilution going on in education. Licensees are required to learn too much that they are not going to use, and do not become proficient enough in their selected field. She believes people coming in from other states are better trained, and has not noticed a trend from certain schools. Mr. Tyler noted a school is only as good as its curriculum and a lot are working on a curriculum developed in the 1950s and 60s. Mr. Lloyd requested information on others states' curriculums for the next committee meeting for further discussion.

Mr. Hedges recommended establishment license owners to hold some type of certification in health and sanitation. They need to have some knowledge of the industry. He also noted booth renters/independent contractors to hold a certification, so that they are more accountable. The committee unanimously agreed. This protects the owner and the consumer. The committee concurred. Mr. Duke indicated a "Qualified Manager" certification is required by some industries. He noted it may be hard with fictitious entities being owners, i.e., corporations. It may be limited to a manager or other designee.

Mr. Duke noted new license development would take legislative action. He noted the first step would be to re-examine the occupational analyses.

Mr. Tyler proposed an assistant's license/permit, that would allow a student to work as an assistant while attending school, after completing 50% of their hours. Some states, including New Jersey, already have this license. They cannot charge for their services, but they can be paid, and they must work supervised by a licensee. If a student drops out of school, the assistant license would be revoked immediately. It discourages people from working underground and allows them to gain real work experience. Ms. Gadinis agreed and noted the level of morale would greatly increase. Mr. Hedges agreed stating it would allow students to remain in school and earn an income. He noted that breaking the licenses down may have an impact on the budget as more inspectors will be required. A lot of people will be working out of their scope of practice. This license/permit will replace the externship program.

Mrs. Madsen, addressed the Manager in Charge license. She previously worked for the Pharmacy Board, who had a similar license, "Exemptee in Charge." It was not site

specific. She offered her help in developing the parameters of the license. Mr. Duke agreed a non site specific license would be beneficial.

Mr. Hedges made the motion to look into all the various listed categories of licenses including the six proposed licenses (assistant/extern, hair stylist, waxing certification, permanent makeup, booth renter/independent contractor, and establishment or onsite management). Ms. Gadinis seconded the motion and it was approved 4-0.

Public Comment:

Patsy Kirby, American Electrology Association: Voiced her agreement with the Board. She stressed that continuing education for electrologists is very important. California sterilization does not require "gloves" which is very important since trends and products are constantly changing.

Jean Ogren, American Electrology Association: Noted the need for an independent contractor license.

Mr. Jacobs, lead inspector, indicated the schools need to be cleaned up. He believed more inspectors are needed to concentrate on the schools. They should be inspected twice a year. He also noted if the committee took the recommendations from Senator Figueroa about the externship license, an assistant license would not be needed. A rewriting of the externship program should also cover the assistant. He also noted a licensee is required to be in charge of a salon. Mr. Hedges noted a licensee in charge is usually also working and not paying attention to what other people are doing. Owners will start paying attention with the increase in fines. Mr. Jacobs noted some schools are using students to teach other students.

Jaime Schrabek, Salon Owner: Addressed clock hours versus competency. Schooling should not be a prison, but a learning experience.

Mr. Duke noted the existing laws concerning the schools is very vague. A lot of the authority falls under BPPVE (Private Post Secondary Schools). They regulate the schools including license revocation and enforcement. This Board does not license a school, we only approve it and then issue a school code. It was noted the schools are not charged for inspections or application fees. Statutory legislative change would be required to start working with the schools and enforcing guidelines. Ms. Gadinis recommended the topic be placed on the next agenda.

Cynthia Menendez, Skyline Community College: Noted instructors have minimal state requirements. Mr. Tyler commended Skyline College for raising their standards and making their own requirements. He commended them for being proactive. They also offer an instructors class but often have to cancel it due to lack of enrollment.

The motion was approved 4-0.

- e) Discussion on the Curriculum Review

Ms. Underwood noted the curriculum does not contain anything about footspas, and should be this committee's top priority. Clock hour versus competency will also be reviewed. Mr. Hedges made the motion to have staff bring forward recommendations for changes to the Cosmetology curriculum, specifically footspas, to the next meeting. However, Ms. Underwood noted most cosmetologists do not do manicures or pedicures. Ms. Underwood recommended the clock hours versus competency issue be included in that so only one regulatory change needs to be made. Also industry participation needs to be encouraged. Mr. Tyler asked about posting precautionary notices. Mr. Duke stated it has been incorporated into the final health and safety package that is being put through on an emergency basis. Mr. Hedges reviewed his motion to include the manicurist curriculum. Mr. Tyler recommended formation of a working group. Clocks hours versus competency will also be looked at. Mr. Hedges restated his motion that a working group, together with staff, bring back information and recommendations to the next committee meeting. The motion was seconded and passed by a 4-0 vote. Mr. Hedges proposed that he and Mr. Tyler be part of the working group.

f) Public Comment

Patsy Kirby, American Electrology Association; noted a lot of future electrologists are looking for tests online. She offered this as an alternative.

g) Agenda Items for Next Committee Meeting

Review of curriculum, new license types, continuing education, class on health and sanitation as alternative for first time fines (also can be reviewed by Enforcement Committee), regulation/authority of schools.

h) Adjournment

There being no further business, the Examination and Licensing Committee was adjourned.

**6. Agenda Item #6, EDUCATION AND OUTREACH**

a) Call to Order/Roll Call

Committee members include Joe Gonzalez, Bonnie LaChappa, Angela Reddock, and Jerri Ann Walters. However a quorum was not present, so the meeting was conducted for purposes of discussion only.

b) Election of Chair

As a quorum was not present, this item was deferred until the next meeting.

c) Discussion on Consumer Education



Ms. Underwood noted staff is working with the Department's Public Affairs Office to develop a consumer outreach campaign. It should be developed by the next meeting. A press conference was held regarding the release of the foot spa cleaning procedures and the taskforce. A past campaign included kiosks with banners in malls and publications in major magazines. The budget is being looked at for possibilities.

d) Discussion on Outreach Plan for Industry

Ms. Underwood noted the Board is becoming more active on the tradeshow circuit. Participation is expected to increase in this fiscal year. Staff has attended 4 this year and we are revamping our website. The most recent was the Expo Latino and our inspectors along with staff did attend. Mr. Tyler is doing a monthly article in California Stylist. Inspectors are also giving suggestions for articles. Scope of practice is being addressed. Open house events are being held at our two examination sites, which includes a tour of the facility and a Q & A session. A consumer guide is being developed and will be mailed on request and posted on the website.

Ms. Underwood noted the footspa regulations will be mailed to every licensed establishment.

e) Public Comment

The public present did not wish to address the committee.

f) Agenda Items for Next Committee Meeting

Information from the Industry Advisory Committee.

g) Adjournment

There being no further business the meeting of the Education and Outreach Committee was adjourned.